

Atty. Docket No. 4366-106  
Avaya 402065-A-01-US (Flockhart)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR LOAD BALANCING WORK ON A NETWORK OF SERVERS BASED ON THE PROBABILITY OF BEING SERVICED WITHIN A SERVICE TIME GOAL** the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application (s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United states application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

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such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

|                  |                  |
|------------------|------------------|
| David Volejnicek | (Reg. No. 29355) |
| Paul Gardon      | (Reg. No. 48761) |
| Brian Dinicola   | (Reg. No. 36122) |

I hereby appoint the attorney(s) on ATTACHMENT A as associate attorney(s) in the aforementioned application, with full power solely to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected with the prosecution of said application. No other powers are granted to such associate attorney(s) and such associate attorney(s) are specifically denied any power of substitution or revocation.

Full name of 1st joint inventor: Andrew D. Flockhart

Inventor's  
signature Andrew D. Flockhart Date 9/19/03

Residence: 1062 East 133<sup>rd</sup> Way  
Thornton, Colorado 80241

Citizenship: U.S.A. UK ADF

Post Office Address: same as above

Full name of 2nd joint inventor: Larry John Roybal

Inventor's  
signature LJR Date 9/19/2003

Residence: 11628 Quivas Circle  
Westminster, Colorado 80234

Citizenship: U.S.A.

Post Office Address: same as above

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Full name of 3rd joint inventor: Robert C. Steiner

Inventor's  
signature



Date 9/18/2003

Residence: 1335 Marble Court  
Broomfield, Colorado 80020

Citizenship: U.S.A.

Post Office Address: same as above

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**ATTACHMENT A**

|                         |                  |
|-------------------------|------------------|
| David F. Zinger         | (Reg. No. 29127) |
| Craig C. Groseth        | (Reg. No. 31713) |
| Sabrina C. Stavish      | (Reg. No. 33374) |
| Todd P. Blakely         | (Reg. No. 31328) |
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| Joseph E. Kovarik       | (Reg. No. 33005) |
| Gary J. Connell         | (Reg. No. 32020) |
| Douglas W. Swartz       | (Reg. No. 37739) |
| Bruce A. Kugler         | (Reg. No. 38942) |
| Robert R. Brunelli      | (Reg. No. 39617) |
| Dana Hartje Cardwell    | (Reg. No. 40638) |
| Angela K. Dallas        | (Reg. No. 42460) |
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| Kenneth C. Winterton    | (Reg. No. 48040) |
| Robert D. Traver        | (Reg. No. 47999) |
| Brent P. Johnson        | (Reg. No. 38031) |
| Mark L. Yaskanin        | (Reg. No. 45246) |

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